REMARKS

Claims 1-31 are all the claims pending in the application. By this Amendment, Applicant editorially amends claims 1, 8, 23, and 26 to cure minor informalities. The amendments to claims 1, 8, 23, and 26 do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1, 8, 23, and 26 were not made for reasons of patentability.

By this amendment, Applicant adds claims 29-31, which are clearly supported by the specification *e.g.*, pages 2 and 4-5 of the specification.

Summary of the Office Action

The Examiner withdrew the previous rejections. The Examiner, however, found new grounds for rejecting the claims. Specifically, claims 1-28 are rejected under 35 U.S.C. § 102.

Claim Rejections under 35 U.S.C. § 102

Claims 1-28 are rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,671,522 to Beaudou (hereinafter "Beaudou"). Applicant respectfully traverses these grounds of rejection in view of the following comments.

To be an "anticipation" rejection under 35 U.S.C. § 102, the reference must teach <u>every element and recitation of the Applicant's claims</u>. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Claim 1, 8, 15, 22, and 23 are the only independent claims. Independent claim 1, among a number of unique features, requires: "means for selecting a set of provisioning data from a

group of the current set of primary provisioning data and the set of protected primary

provisioning data, wherein a connection to the data network is set up using the selected set of

provisioning data." Applicant respectfully submits that Beaudou fails to disclose having two sets

of primary provisioning data, the protected one that cannot be updated without user intervention

and the current one.

An illustrative, non-limiting embodiment of the present invention, discloses a method and

a telecommunications terminal operable to connect the terminal to a data network. The

exemplary telecommunication terminal can change between access networks and/or users

without loosing the provisioning data for data network by storing a protected primary

provisioning data or a number of sets of protected primary provisioning data that cannot be

modified without intervention from the user. The provisioning data is stored in the terminal or a

card that is read by the terminal. Accordingly, after the terminal identifies a user and a useable

network, the terminal tries to find stored provisioning data to enable access to the data network.

Thereby, in this exemplary telecommunication terminal, there is no need to update the

provisioning data to access the services of a data network each time the user roams between

access networks and/or users. It will be appreciated that the foregoing remarks relate to the

invention in a general sense, the remarks are not necessarily limitative of any claims and are

intended only to help the Examiner better understand the distinguishing aspects of the claims

mentioned above.

Beaudou is related to a process for running applications on a mobile terminal. In

particular, Beaudou discloses a terminal 3 reading a predetermined list of parameter sets in a

memory area 51 of the subscriber identification module (SIM) 4. Each parameter set defines a

services server telephone number, a transmission mode and possibly other call parameters. In

Beaudou, the subscriber identification module 4 sends a specific command to the terminal 3

(directly or as a parameter of a generic command), asking the terminal 3 to start the browser. A

first set of parameters is sent with this specific command. When the terminal 3 receives this

specific command, the terminal attempts to setup communication with the access platform using

the information in the first set of parameters. For example, the objective may be to setup

communication with the first platform UP1 in a digital mode. If communication is actually

setup, the terminal 3 starts the browser so that it can browse within the Internet type computer

network. The services server (UP1 in the example mentioned above) authenticates the SIM 4

(Fig 2; col. 9, line 51 to col. 10, line 5).

In Beaudou, the memory area 51 stores components of the parameter sets used to build up

the specific browser start command (or more generally a services application). These

components elements could comprise a list of services server numbers, the list of call parameters

such as transmission modes corresponding to different services server numbers. Optionally, the

memory area 51 of the subscriber identification module 4 (and not the terminal 3) also stores

information that will be useful to the browser 31 after it has been started. For example, it may

include: IP type numbers and a secret browser authentication and/or data encryption key on the

Internet type computer network (Fig. 3; col. 10, lines 6 to 42).

As explained above, Beaudou only discloses storing various sets of parameters. In

Beaudou, there is no disclosure or suggestion of having a current set of parameters and a

protected set of parameters and selecting between the two. That is, in Beaudou, a number of

parameters sets (each defining a services server) is stored in the memory area 51, and a specific

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command is send to the terminal 3 along with the first set of parameters. Beaudou does not

disclose or suggest <u>different types</u> of sets of the parameters. Similarly, the application data

stored in the SIM card are only used <u>after</u> setting up the communication between the terminal

and the server (Fig. 1; col. 5, lines 6 to 17). Clearly then, Beaudou's application data is not the

primary provisioning data *i.e.*, data used to set up a connection.

In addition, claim 1 recites: "means for storing at least one set of protected primary

provisioning data that cannot be updated without the intervention of the terminal user." In

Beaudou, there is no disclosure or suggestion as to how the parameter sets or the application data

are updated. In fact, there is no disclosure or suggestion that the parameter sets or application

data cannot be updated without intervention. In short, Beaudou is <u>silent as to the update of the</u>

<u>data</u>. Since Beaudou is silent with respect to the updating of the data, the rejection is improper as

it lacks "sufficient specificity" required under 102. "[A]nticipation under § 102 can be found

<u>only when the reference discloses exactly what is claimed</u> and that where <u>there are differences</u>

between the reference disclosure and the claim, the rejection must be based on § 103 which takes

differences into account." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed.

Cir. 1985); MPEP § 2131.

For at least these exemplary reasons, independent claim 1 is patentably distinguishable

from Beaudou, which lacks having protected and current set of parameters and having the

protected set of parameters that cannot be modified without the user intervention. Accordingly,

Applicant respectfully requests the Examiner to withdraw this rejection of claim 1. Claims 2-7

and 25-26 are patentable at least by virtue of their dependency on claim 1.

Independent claims 8 and 15 recite features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, independent claims 8 and 15 are patentably distinguishable from Beaudou. Claims 9-14 and 16-21 are patentable at least by virtue of their dependency on claims 8 and 15, respectively.

Independent claim 22 relates to <u>updating the provisioning data</u> and among a number of unique features, recites: "backing up provisioning data for an access network, an access provider or a user." In Beaudou, there is <u>no disclosure of updating or a backup</u>. Beaudou relates to allowing a mobile terminal to run an application and is unrelated to provisioning data updates and data backups. For at least these exemplary reasons, independent claim 22 is patentably distinguishes from Beaudou.

Independent claim 23 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, independent claim 23 is patentably distinguishable from Beaudou. In addition, claim 23 further recites: "when said provisioning data is not detected, requesting current provisioning data." Beaudou fails to disclose or suggest when the parameter set or application data is not detected, <u>requesting</u> the needed parameter set or application data. Accordingly, for at least this additional exemplary reason, claim 23 is patentably distinguishable from Beaudou. Claim 24 is patentable at least by virtue of its dependency on claim 23.

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Independent claim 27 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, independent claim 27 is patentably distinguishable from Beaudou.

In addition, claim 27 further recites: "means for copying one of said at least one set of protected primary provisioning data from the protected storing means into the current storing means." Beaudou fails to disclose or suggest copying the parameter set or application data to an area where another set or application data is stored. In Beaudou, the parameter set is transmitted from the SIM card to the terminal 3, which uses this received parameter set in order to set up the communication. There is, no disclosure or suggestion that the received parameter set is stored in the terminal 3 and that the parameter set is selected from the storage in SIM card and another storage that stores the current parameter set. Similarly, there is no disclosure or suggestion of storing application data into the storage where the current application data is stored. In fact, in Beaudou, there is no disclosure or suggestion of protected and current data. Accordingly, for at least these additional exemplary reasons, claim 27 is patentably distinguishable from Beaudou. Claim 28 is patentable at least by virtue of its dependency on claim 27.

In addition, dependent claim 28 recites: "when the terminal returns to a home access network, said one of said at least one set of protected primary provisioning data is copied from the protected storing means into the current storing means." Applicant respectfully submits that in Beaudou, there is no disclosure or even remote suggestion of a home access network. Furthermore, there is no disclosure or suggestion of copying a parameter set or application data

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when the terminal returns to the home access network. For at least these additional exemplary

reasons, dependent claim 28 is patentably distinguishable from Beaudou.

New Claims

In order to provide more varied protection, Applicant adds claims 29-31. Claims 29 and

30-31 are patentable at least by virtue of their dependency on claims 1 and 23, respectively.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

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Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Nataliya Dvorson
Registration No. 56,616

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